

Roads, Bridges and Ferries, to whom was referred

H. B. No. 82, A bill to be entitled "An Act to repeal Section 8, of Chapter 4, of the Local and Special Laws passed at the Third Called Session of the Thirty-fifth Legislature, which was 'An Act to create a more efficient road law for Cass County,' etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

McMILLIN, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to repeal Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, the same being 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission, to investigate and deal with such employment, including the fixing of a minimum wage: providing for an appropriation therefor, and fixing penalties for violating this Act, etc.,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room.

Austin, Texas, Feb. 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 167, A bill to be entitled "An Act to amend Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, approved April 3rd, 1919, the same being 'An Act regulating the employment of women and minors and establishing a Board of Industrial Welfare to investigate and deal with such employment, including the fixing of minimum wage, providing for an appropriation therefor, and fixing penalties for the violation thereof and declaring an emergency'; by providing for the appointment of a Board of Industrial

Welfare; defining their powers and duties; fixing their salaries, and fixing penalties for the violation thereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 109, A bill to be entitled "An Act providing that freight charges on car loads of coal delivered at any point within the State of Texas, where railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based upon the actual weight of said coal, prescribing the manner of weighing such coal, providing a penalty for violation of any provision of this Act; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

TWENTY-FOURTH DAY.

Senate Chamber,

Austin, Texas,

Friday, February 11, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Clark.	Richards.
Cousins.	Rogers.
Dudley.	Russell.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Witt.
Harp.	Wood.
Hertzberg.	Woods.

Absent.

Darwin. McNealus.
Davidson.

Absent—Excused.

Carlock. Lewis.
Dorough. Suiter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Baugh.

Bills and Resolutions.

By Senator Bledsoe, by request:

S. B. No. 222, A bill to be entitled "An Act to compensate the surviving members of Captain L. L. Tackett's Company of State Rangers known as 'The First Parker County Minute Company,' commanded by Captain L. L. Tackett, for service rendered by said Rangers and officers from January 23, 1866, to June 22, 1866, and naming the surviving members of said Ranger Company, and declaring an emergency."

Read first time and referred to Committee on Military Affairs.

By Senator Bailey, by request:

S. B. No. 223, A bill to be entitled "An Act to amend Article 4694 of the Revised Civil Statutes of the State of Texas, of 1911, as amended by Chapter 143 of the Acts of the Regular Session of the Thirty-third Legislature, approved April 7, 1913, by giving a cause of action for injuries resulting in death against, (1) any person, association of persons, joint stock company, corporation, trustee or receiver, (2) the proprietor, owner, charterer, hirer, trustee, receiver, or other operator of any industrial or public utility plant, railroad, street railway, steamboat, stage coach, or other vehicle for the conveyance of goods or passengers, or any other machinery, where such injuries result from the negligence, wrongful act, neglect, unskillfulness, unfitness, or default of, such person, association of persons, joint stock company, corporation, trustee, receiver, owner, carterer, hirer, or operator, his, its or their, agent, or servants; providing that no agreement between an owner and any lessee, trustee, or other operator of any vehicle for the transportation

of passengers or goods, or any industrial or public utility plant, or other machinery, shall release such owner, lessee, trustee, or other person from any liability fixed by the provisions of this Act; repealing all laws in conflict herewith, providing that the invalidity of any provisions hereof shall not affect the remaining provisions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

(By Unanimous Consent.)

By Senator Bailey, by request:

S. B. No. 224, A bill to be entitled "An Act to fix and define the Jurisdiction of the Supreme Court, and declaring an emergency."

Read first time and referred to Committee in Civil Jurisprudence.

By Senator Hall:

S. B. No. 225, A bill to be entitled "An Act to amend Article 6401 of the Revised Civil Statutes of 1911, providing for the trial and investigation of matters in suits brought by quo warranto proceedings and providing for appeals in such cases and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Russell:

S. B. No. 226, A bill to be entitled "An Act to apportion the State of Texas into Senatorial Districts; to specify the county to which returns of an election shall be sent, on which the county judge shall issue certificates of election and repealing all laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Senators Darwin and Dudley:

S. B. No. 227, A bill to be entitled "An Act to amend Article 5114 of the Revised Civil Statutes of the State of Texas, 1911, Title 75, by striking out the word 'male' where it appears in said section, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Darwin and Dudley:

S. B. No. 228, A bill to be entitled "An Act amending Article 745 of Title 8, Chapter 5, of Code of Criminal Procedure of the State of Texas, 1911, page 218, by providing that a separate room must be provided for

the women members of the jury when a jury is composed of men and women, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Harp:

S. B. No. 229, A bill to be entitled "An Act to amend Chapter 38 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled an Act to provide for the establishment and maintenance of agriculture, horticultural and feeding experiment stations in certain parts of Texas; to provide proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency, and providing further for a governing board for the Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations and declaring an emergency, providing for the payment of salary of the director of the said experiment stations, defining his powers and duties and also the powers and duties of the governing board, also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos County, Texas, at the Agricultural and Mechanical College of Texas shall remain under the control of the Board of Directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal Government the aid that has been or may hereafter be available for it under an Act of Congress, and declaring an emergency,' and providing for the designation of the locations of the various Agricultural Experiment Stations and Substations in the State of Texas; placing the said Agricultural Experimental Station System under the control of the Board of Directors of the Agricultural and Mechanical College of Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Hertzberg:

S. B. No. 230, A bill to be entitled "An Act to amend Article 1057, Chapter 7, of the Penal Code of Texas, relating to punishment for kidnapping, and changing such punishment where minors under seventeen years of age are kidnapped, to death or imprisonment, in the penitentiary for life or a term of years not less than five."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hertzberg:

S. B. No. 231, A bill to be entitled "An Act to permit the purchase of notes, bills or other evidences of debt at a greater or less sum than the face value thereof, and limiting such powers to corporations having a capital stock of one hundred thousand dollars, or more, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

Morning call concluded.

Senate Bill No. 121.

The Chair laid before the Senate on second reading.

S. B. No. 121. A bill to be entitled "An Act authorizing and directing the public school authorities of the State of Texas to co-operate with the Federal Government in the work of Americanizing the foreign population and authorizing the creation of an Americanization Commission."

The bill was read third time and passed finally by the following vote:

Yeas—15.

Baugh.	Page.
Bledsoe.	Parr.
Buchanan.	Rogers.
Cousins.	Russell.
Dudley.	Williams.
Fairchild.	Witt.
Hertzberg.	Wood.
Murphy.	

Nays—5.

Clark.	Watts.
Hall.	Woods.
Richards.	

Present—Not Voting.

Bailey.

Absent.

Darwin.

McNealus.

Harp.

Absent—Excused.

Carlock.

Suiter.

Dorough.

(Pairs Recorded.)

Senator McMillin (present), who would vote nay; with Senator Lewis (absent), who would vote yea.

Senator Floyd (present), who would vote nay; with Senator Davidson (absent), who would vote yea.

Excused.**(On Account of Important Business.)**

Senator Davidson for today, on motion of Senator Buchanan.

Senator Lewis, for today, on motion of Senator Baugh.

Senate Bill No. 102.

The Chair laid before the Senate on second reading,

S. B. No. 102, known as the Forestry bill.

The bill was read second time and on motion of Senator Buchanan, was laid on the table subject to call.

Senate Bill No. 105.

The Chair laid before the Senate on second reading,

S. B. No. 105, A bill to be entitled "An Act to amend Article 29, Title 5, of the Revised Civil Statutes of Texas, 1911, and to create the Tenth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Tenth Supreme Judicial District of Texas and fixing the time when this Act shall become effective and providing for the appointment of the judges thereof, and repealing all laws and parts of laws in conflict therewith."

The bill was read second time, and Senator Russell offered the following two amendments, which were read and adopted:

(1) Amend S. B. No. 105, line 7, page 3, by striking out Brown and inserting same in line 2. page 2.

(2) Amend S. B. No. 105, lines 25 and 26, by striking out the words King and Dickens, in line 25, page 2, and by striking out the word Kent, in line 26, page 2, and inserting said words King, Dickens and Kent in line 5, page 3.

The bill, having been read second time, was passed to engrossment.

Senate Bill No. 143.

The Chair laid before the Senate on second reading,

S. B. No. 143, A bill to be entitled "An Act to amend Chapter 3 of Title 10 of the Revised Civil Statutes of Texas of 1911 relating to the admission of inmates into the Confederate Home by adding thereto Article 208 ½ so as to provide for the transfer from the Confederate Women's Home to the Confederate Home of any inmate of the Confederate Women's Home whose husband is an inmate of the Confederate Home, and for the retransfer of such person back to the Confederate Women's Home on the death of her husband or whenever for any reason her husband ceases to be an inmate of the Confederate Home, or whenever in the judgment of the governing board of the Confederate Home it will be in the interest of the individual, or of that institution, or of the inmates of same, that such retransfer be made; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McMillin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 105 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Russell.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent.

Harp.	McNealus.
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Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	Murphy.
Baugh.	Page.
Bledsoe.	Parr.
Buchanan.	Richards.
Clark.	Rogers.
Cousins.	Russell.
Darwin.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Hall.	Wood.
Hertzberg.	Woods.
McMillin.	

Absent.

Floyd.	McNealus.
Harp.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Senate Bill No. 162.

The Chair laid before the Senate on second reading,

S. B. No. 162, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by City Councils or City Commissions, or governing authority, in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 162 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Baugh.
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Bledsoe.	McMillin.
Euchanan.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Dudley.	Rogers.
Fairchild.	Russell.
Floyd.	Watts.
Hall.	Williams.
Harp.	Witt.
Hertzberg.	Wood.

Absent.

McNealus.	Woods.
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Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

The bill was read and passed finally by the following vote:

Yeas—21.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Cousins.	Parr.
Darwin.	Richards.
Dudley.	Rogers.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Witt.
Harp.	Wood.
Hertzberg.	

Absent.

Bailey.	Russell.
Clark.	Woods.
McNealus.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Senate Bill No. 89.

Senator Murphy here moved to reconsider the vote by which the Senate, on yesterday, recommitted S. B. No. 89.

The motion was adopted.

The Chair then laid before the Senate on second reading,

S. B. No. 89, A bill to be entitled "An Act to amend Chapter Forty-six (46) of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to provide that all corporations that are required by law to pay an annual franchise tax shall make a re-

port to the Secretary of State between the first day of January and the fifteenth day of March, and prescribing what such report shall contain; providing that the Secretary of State may, for good cause shown, extend such time to any date up to the first day of May; providing the date such report shall be made by certain foreign corporations; prescribing penalty for failure to make such report; providing that such report shall be subject to inspection only by persons who are interested directly in the subject matter of such report, and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 29.

The Chair laid before the Senate on second reading,

S. B. No. 29, A bill to be entitled "An Act defining live stock commission merchants; requiring such merchants to give bond; providing for the renewal of such bond; the approval and recording of the same; imposing penalties for pursuing the occupation of a live stock commission merchant when bond has not been made or renewed, or when there has been an intentional breach of said bond, or for making materially false statements in the application relative to fixing the amount of the bond; requiring remittances of the proceeds of stock sold by such commission merchant to be made to the parties rightfully entitled thereto within forty-eight hours after such sale has been made, either in certified check or bank exchange unless waived in writing by the parties rightfully entitled thereto and prescribing penalty for failure to so remit; prohibiting the appropriation or use for any purpose by such live stock commission merchant and prescribing penalty for so appropriating or using; requiring the posting of a certified copy of the bond in some conspicuous place in the office of the principal place of business of said live stock commission merchant and prescribing penalty for failure so to do; providing for suits upon said bond and fixing the venue thereof; repealing all laws in conflict herewith, and especially the Act of the Thirty-third Legislature, Chapter 49, Regular Session, page 93. and declaring an emergency."

The committee report, with commit-

tee amendments, after the amendments had been read, was adopted.

Senator Dudley offered the following three amendments, severally, which were read and adopted:

(1) Amend the caption, line 17, by striking out the word, "certified," and insert in lieu thereof the word "cashiers."

(2) Amend Section 9, page 6, line 10, strike out the word, "certified," and insert in lieu thereof the word "cashiers."

(3) Amend S. B. No. 29, page 4, by striking out lines 5, 6 and 7.

Senator McMillin offered the following amendment:

Amend S. B. No. 29, page 3, lines 1 and 2, by striking out the words, "either in certified and cashier's check or bank exchange," and by striking out these same words wherever they occur in the bill and committee amendments.

McMILLIN,
WILLIAMS.

Pending discussion, Senator Dudley moved to table the amendment, which motion to table was lost by the following vote:

Yeas—10.

Bledsoe.	Murphy.
Buchanan.	Page.
Cousins.	Parr.
Dudley.	Richards.
Harp.	Wood.

Nays—13.

Bailey.	McMillin.
Baugh.	Rogers.
Clark.	Watts.
Darwin.	Williams.
Fairchild.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Hall.	Russell.
McNealus.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Action then recurred on amendment and the same was adopted by the following vote:

Yeas—15.

Bailey.	Baugh.
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Clark.	McMillin.
Cousins.	Rogers.
Darwin.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Harp.	Woods.
Hertzberg.	

Nays—8.

Bledsoe.	Page.
Buchanan.	Parr.
Dudley.	Richards.
Murphy.	Wood.

Absent.

Hall.	Russell.
McNealus.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Here Senator Dudley moved that the bill be laid on the table subject to call. The motion to lay the bill on the table subject to call was lost.

Senator Richards here moved to reconsider the vote by which Senate refused to adopt the motion to lay the bill on the table subject to call.

The motion to reconsider was adopted.

On motion of Senator Richards the bill was laid on the table subject to call.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1921.
Lieutenant Governor Lynch Davidson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of S. B. No. 399, Chapter 58, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled 'An Act creating the Benavides Independent School District, situated in Duval County; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a Board of Trustees therefor, and declaring an emergency,' and to amend Section 1, of S. B. No. 81, Chapter 91, page 279, of the Local and Special Laws passed at the Third Called

Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to amend Section 1 of S. B. No. 399, Chapter 54, page 178 of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled "An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a Board of Trustees therefor, and declaring an emergency,"' and declaring an emergency."

Respectfully submitted,
N. K. BROWN,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator Clark the Senate, at 12 o'clock noon, recessed until 3 o'clock p. m. today.

After Recess.

The Senate was called to order at 3 o'clock by Lieutenant Governor Davidson.

Senator Murphy moved that the Senate stand at ease for 15 minutes on account of the argument by counsel before the Committee on Privileges and Elections.

The Senate was again called to order at 3:15 o'clock, and on motion of Senator Murphy further stood at ease until 3:35 o'clock p. m.

At 3:35 o'clock the Senate was called to order by Lieutenant Governor Davidson.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Parr:

S. B. No. 232, A bill to be entitled "An Act amending Section 14 of Chapter 81 of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session by providing that the Board of Trustee of Donna Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repeal

ing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 233, A bill to be entitled "An Act amending Section 14 of Chapter 85 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the Board of Trustees of Edinburg Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Page, Witt, McMillin, Fairchild, Williams, Dudley and Floyd.

S. B. No. 234, A bill to be entitled "An Act to amend Chapter 145, General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, which chapter was 'An Act to amend Chapter 1 of Title 44, of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting and for the qualification of such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency;' the effect of this amendment being to add to said chapter a new article immediately following Article 2435, which new article is to be known as Article 2435a, and to provide in substance that during the existence of any general financial or industrial depression at the end of any biennial depository period, after new depositories have been selected by the State Depository Board, if it should be found by the State Depository Board that any of the then existing old depositories have not been or will not be selected as depositories for the next two-year period under the bids submitted, and that the withdrawal of the entire amount of State funds in any particular depository on March first will create a demand on such old depository which it will not be able to meet.

though otherwise solvent, then the State Depository Board shall have the discretion and authority to extend the time of payment of such funds into the State Treasury from time to time; provided, however, that such extension shall not be made unless and until such old depository executes a new contract and bond or gives security, as in the first instance, for such period of time as the State Depository Board may designate and at such rate of interest as the State Depository Board may find to be not less than the approximate average rate of interest which the State would receive under the bids submitted for the current biennial depository period into which such extension of time is made, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Cousins:

S. B. No. 235, A bill to be entitled "An Act to provide for the creation of a commission of uniform State laws, the appointment of commissioners thereto and the payment of the expenses of such commissioners and contribution to the support of the national conference of commissioners on uniform State laws."

Read first time and referred to Committee on State Affairs.

By Senator Bailey:

S. B. No. 236, A bill to be entitled "An Act amending Article 282, of the Revised Civil Statutes of Texas of 1911, and requiring a garnishee, though a non-resident of the county in which the suit is pending to file his answer in the county where the suit, out of which the garnishment proceedings arose, is pending; repealing Articles 283, 284, 285, 286, 287, 288, 289, 290, 291, and 292 of the Revised Civil Statutes of Texas of 1911, and all laws in conflict herewith; amending Article 293 of said Revised Civil Statutes of Texas of 1911, fixing the conditions under which judgment may be enforced against a garnishee; amending Article 302 of the Revised Civil Statutes of Texas of 1911, fixing the jurisdiction of garnishment proceedings in cases where the garnishee is a foreign corporation, or is a non-resident of the county where the main suit, out of which the garnishment proceedings arose, is pending, providing for notice before applying the provisions of this Act to garnishment proceedings

pending when this Act takes effect, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Witt and Page:

S. B. No. 237, A bill to be entitled "An Act to amend Article 788 of the Code of Criminal Procedure of this State, adopted in 1911, by providing that all persons are competent to testify in criminal actions, except insane persons who are in the insane condition of mind at the time when they are offered as witnesses, or who were in that condition when the events happened of which they are called to testify; children or other persons who, after being examined by the court, appear not to possess sufficient intellect to relate transactions with respect to which they are interrogated, or who do not understand the obligation of an oath; and also all persons who have been or may be convicted of a felony in this State or in any other jurisdiction, unless such conviction has been legally set aside or unless the convict has been legally pardoned for the crime of which he was convicted, or, unless the right to testify has been restored to the convict without the grant of a pardon in other respects; but providing that no person who has been convicted of a crime of perjury or false swearing, and whose conviction has not been legally set aside, shall have his competency as a witness restored by pardon, or by the action of the Governor or other pardoning power granting to the convict the right to testify, unless such pardon or restoration of the right to testify by its terms specifically restores his competency to testify in a court of justice; also providing that the Governor of the State shall have full power and authority to restore to the convict the right to testify in all courts of justice by proclamation issued for such purpose, without in any way limiting or annulling any portion of the judgment, decree, sentence or punishment of such convict, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Dudley:

S. B. No. 238, A bill to be entitled "An Act relating to regulations for the protection of live stock raisers in Texas; exempting certain counties therefrom; amending Articles 7256, 7257, 7258, 7259, 7260, 7261, 7305, in Chapter Seven, in Title 124, of the

Revised Civil Statutes of the State of Texas, and prescribing an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

Simple Resolution No. 48.

By Senators Page, McMillin, Williams:

Whereas, Judge W. F. Ramsey, of Dallas, Texas, a distinguished citizen and jurist of this State, has at all times taken a patriotic interest in public affairs, and is now in this city. Therefore, be it

Resolved, that he be extended the courtesy of the floor of the Senate during his visit, and that he be invited to address the Senate.

The resolution was read and adopted.

The Chair appointed Senators Page, McMillin and Williams as a committee to escort Judge Ramsey to the president's stand, who, after being introduced, addressed the Senate.

Senate Bill No. 131.

The Chair laid before the Senate, on second reading,

S. B. No. 131, A bill to be entitled "An Act to amend the laws in regard to the certification of teachers, providing for the same powers of certification to all colleges on a basis of the same standards and courses of work, and for a distinction between certificates obtained by examination and those secured through college work, providing for a gradual raising of standards for teachers through a period of several years and for more adequate examination fees, adding to Sections 107, 108, 110, 110a, 110b, 110c, 110d, Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature, Sections 107a, 108a, 110e, repealing Sections 114, 116, 117 and 119 of Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature, and providing a substitute therefor, repealing Section 121, Acts of the Thirty-second Legisla-

ture, and providing a substitute therefor, and amending Section 105, Chapter 96, Acts of the Thirty-second Legislature, and declaring an emergency."

Senator Witt offered the following two amendments:

Amend Senate Bill No. 131 as follows:

After Section 7, page 15, line 7, insert the following for Section 8, and renumber the following section:

Section 8. The State Superintendent of Public Instruction shall have charge of the classification and accrediting of all public schools, State colleges, and sectarian and private schools and colleges, according to the standards and provisions adopted by the State Committee on Accredited Schools and Colleges. The State Committee on Accredited Schools and Colleges, shall prescribe standards, rules and regulations, for the classification and accrediting of all public schools, State colleges, and sectarian and private schools and colleges, that make application for classification and accrediting. The State Committee on Accredited Schools and Colleges shall consist of twelve members, six representing colleges and six representing the public schools. Of the members representing colleges, one shall be selected by the President of the University of Texas, one by the President of the College of Industrial Arts, one by the President of A. and M. College, one by the President of the State Normal Colleges, one by the President of the Independent and Sectarian Senior Colleges, and one by the President of the Independent and Sectarian Junior Colleges. The State Superintendent of Public Instruction shall act as Chairman of the committee, representing on its membership the public schools as a whole. Of the remaining five members representing the public schools, one shall be chosen by the county superintendents, one by the city superintendents of towns of more than 1,000 scholastic enrollment, one by superintendents of towns of 1,000 scholastic enrollment or less, one by principals of first class accredited high schools, and one by the principals of second and third class accredited high schools. In selecting the representatives of the Independent and Sectarian Senior and Junior Colleges and the representatives of the public schools, the

State Superintendent shall send to the persons entitled to vote, a blank ballot requesting nomination, and after receipt of this nominating ballot, shall return an election ballot, offering as candidates the two persons who, on the nominating ballot have received the highest number of votes. Ballots shall be kept on file for inspection, if desired. Ruling of the State Committee on Accredited Schools and Colleges as to standards and provisions of classifying and accrediting schools and colleges, shall be binding upon all schools upon the State List of Accredited and Classified Schools and Colleges, and upon the State Superintendent of Public Instruction. The length of term of elective members shall be for two years, and shall expire with the term of the State Superintendent of Public Instruction.

Amend S. B. No. 131, page 15, line 11, by striking out the word "previously" and inserting after the word "issued" the following: "prior to the taking effect of this Act."

On motion of Senator Witt the bill and the pending amendment was laid on the table subject to call.

Senate Bill No. 144.

The Chair laid before the Senate, on second reading,

S. B. No. 144, A bill to be entitled "An Act to amend Article 1480, Chapter 2, Title 29, of the Revised Civil Statutes of the State of Texas, 1911, relating to the purchasing of supplies for the use of counties and providing that in case of emergency purchases not in excess of one hundred and fifty (\$150.00) dollars may be made upon requisition approved by the commissioners' court without advertising for competitive bids, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 144 put on its third reading and final passage by the following vote:

Bailey.	Cousins.
Baugh.	Darwin.
Bledsoe.	Dudley.
Buchanan.	Fairchild.
Clark.	Floyd.

Hall.	Rogers.
Harp.	Russell.
Hertzberg.	Watts.
McMillin.	Williams.
Murphy.	Witt.
Page.	Wood.
Parr.	Woods.
Richards.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	McNealus.
Dorough.	Suiter.

Action recurred on the third reading of Senate Bill No. 144, and the roll call developed no quorum present as follows:

Bailey.	Murphy.
Baugh.	Page.
Bledsoe.	Parr.
Darwin.	Richards.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Harp.	Wood.
Hertzberg.	Woods.
McMillin.	

Absent.

Buchanan.	McNealus.
Clark.	Rogers.
Cousins.	Russell.
Hall.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Pending a delay of some 40 minutes, Senator Bledsoe moved a call of the Senate for the purpose of securing a quorum.

The motion being duly seconded, the Chair directed the doors closed, and the roll was called, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Page.
Bledsoe.	Parr.
Dudley.	Richards.
Fairchild.	Watts.
Floyd.	Williams.
Harp.	Witt.
Hertzberg.	Wood.
McMillin.	Woods.

Absent.

Buchanan.	Hall.
Clark.	Rogers.
Cousins.	Russell.
Darwin.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	McNealus.
Dorough.	Suiter.

Senators Darwin, Hall and Cousins, after some delay, being announced present, the Chair declared a quorum present.

Senate Bill No. 144.

Action here recurred on the pending bill, Senate bill No. 144.

The bill, having been read third time, was finally passed by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Cousins.	Parr.
Darwin.	Richards.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.
Hertzberg.	

Absent.

Buchanan.	Rogers.
Clark.	Russell.
McNealus.	

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Executive Message.

Governor's Office,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, Lieutenant Governor; and
Hon. Chas. Thomas, Speaker of the House.

My Dear Sirs: If agreeable with you and the respective legislative bodies over which you preside, I would be glad if you would do me the honor of permitting me to meet, for a brief conference, the members of the Senate and House, in the Hall of the House of Representatives at some convenient hour Monday morning, February 14th.

Yours very sincerely,
PAT M. NEFF,
Governor.

Committee Report on Privileges and Elections.

Committee Room,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, the Committee on Privileges and Elections, to whom was referred the contest filed by Reno Eickenroht, contesting the election of C. F. Richards as Senator from the Twenty-first Senatorial District of Texas, having had the same under consideration, and after having fully considered the said contest and the demurrer and exceptions filed thereto by the contestee, and having heard both parties thereto, adopt a resolution that same be sustained, and I am directed to return said contest and all papers pertaining thereto to the Senate of Texas with the recommendation that said demurrer and exceptions be in all things sustained, and that said contest be dismissed.

COUSINS, Vice Chairman.

(Minority Committee Report.)

Committee Room,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I, a minority of you Committee on Privileges and Elections, to whom was referred the contest filed by Reno Eickenroht, contestant, vs. C. F. Richards, contestee, from the Twenty-first Senatorial District of Texas, have had the same under consideration, and after having heard and considered the demurrers and exceptions filed thereto by the contestee, I beg leave to report same back to the Senate with the recommendation that said demurrers and exceptions so filed, heard and considered, be, in all things, overruled, and that the contestant be instructed to proceed with his case by the introduction of evidence in support of his petition and that the Committee proceed to hear all of said evidence by both parties.

I believe that it is unfair to the Democrats of Texas and to the voters of the Twenty-first Senatorial District to deny to them the right to have the names of the candidates for the Senate from their District properly and legally printed upon all the ballots used at the general election.

MURPHY.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted

H. C. R. No. 23, Providing for a joint session of the House and Senate for the purpose of a conference with the Governor.

Respectfully submitted,

NOEL K. BROWN,

Chief Clerk House of Representatives.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 158, A bill to be entitled "An Act making appropriations to cover authorized deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1920, and August 31, 1921, respectively, and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation districts, and Acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, and which sections relate, respectively: Section 4, to the mode of appeal from an order of the commissioners' court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit, and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of such district; Sections 80, 81 and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, providing the method of the selection of depositories of such district; and

which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide, respectively: Section 4, for appeals from an order of the county commissioners' court in granting or refusing a petition for organization of a district, and that notice of appeal shall be given, and perfecting of appeal by filing of a bond at the time of filing same, and fixing amount of such bond, and providing that the judgment on appeal shall be certified to the commissioners' court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same, suits for collecting, vesting jurisdiction in district court, and providing no limitation shall apply; Section 66, for providing the method of selling bonds of the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor, such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature and Acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, by the addition of new sections, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, which new sections provide, respectively: Section 122, for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing, and collecting taxes by districts, adopting the assessment for benefit plan of taxation; Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes

on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section 133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by county officers, and providing the method of handling same; Section 134, providing for sale of surplus water; Section 135, repealing Section 5a, Chapter 12, General Laws, Second Called Session, Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

The House has adopted,

H. C. R. No. 21, Requesting the Attorney General to investigate the cause of reductions in prices of crude oil.

Respectfully submitted,

N. K. BROWN,
Chief Clerk House of Representatives.

House Concurrent Resolution No. 23.

The Chair laid before the Senate H. C. R. No. 23, providing for a joint session of the House and Senate for a conference with the Governor.

The resolution was read and adopted.

Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 158, referred to Committee on Finance.

H. B. No. 320, referred to Committee on Mining and Irrigation.

House Concurrent Resolution No. 21.

The Chair laid before the Senate H. C. R. No. 2, being a resolution requesting the Attorney General to investigate the cause of reductions in prices of crude oil, etc.

The resolution was read and Senator Woods moved that the resolution be referred to a committee, and

Senator Bledsoe moved that action on the resolution be had at once.

The resolution was read in full and adopted by the following vote:

Yeas—14.

Baugh.	Parr.
Bledsoe.	Richards.
Dudley.	Rogers.
Harp.	Watts.
Hertzberg.	Williams.
McMillin.	Witt.
Page.	Wood.

Nays—7.

Bailey.	Hall.
Darwin.	Murphy.
Fairchild.	Woods.
Floyd.	

Present—Not Voting.

Cousins.

Absent.

Buchanan.	McNealus.
Clark.	Russell.

Absent—Excused.

Carlock.	Lewis.
Davidson.	Suiter.
Dorough.	

Recess.

Senator Witt moved that the Senate recess until 10 o'clock tomorrow morning.

After Recess.

Saturday, February 12, 1921.

The Senate was called to order by President Pro Tempore Page.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator McMillin:

S. B. No. 239, A bill to be entitled "An Act to amend Chapter 12 of Title 26 of the Revised Civil Statutes of Texas, 1911, relating to the assessment of taxes in this State, by adding thereto Articles 7567a, 7567b, 7567c, 7567d, 7567e, 7567f, 7567g, 7567h, 7567i, 7567j, 7567k, so as to provide for the assessment of State and county poll taxes; also making it a misdemeanor for any person to refuse to answer, or to answer falsely, any question that

may be propounded to such person by the Tax Assessor, or Deputy Tax Assessor, touching the liability of such person for the payment of a poll tax, and prescribing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hertzberg:

S. B. No. 240, A bill to be entitled "An Act to repeal H. B. No. 832, being Chapter, 141, page 556, of the Special and Local Laws of the Thirty-third Legislature, which Act provides that Bandera County, or any political subdivision or defined district, shall have the power and is authorized to vote by a "(two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, or defined district, now or hereafter to be described and defined, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision or defined district, and to levy and collect taxes, to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing maintaining and operating macadamized, graveled or graded roads and turnpikes, or in aid thereof, and authorizing the commissioners' Court of said county to describe and define road districts therein; creating the office of County Road Superintendent, prescribing his duties and providing for his compensation; providing for the working of county convicts on the roads of said county, to provide for the summoning of road hands and teams for road work and for allowance of time for road service for same, and fixing penalties for violation of any of the provisions of this Act; repealing all laws in conflict with this Act as applied to Bandera County, and declaring an emergency.);" and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hertzberg:

S. B. No. 241, A bill to be entitled "An Act to amend Chapter 2, Title 32, of the Revised Civil Statutes of Texas, by adding thereto Article 1588a, granting to the Court of Civil Appeals the right to appoint a bailiff to attend the sitting of such court and providing for a salary for such bailiff."

Read first time and referred to Committee on Finance.

By Senator Williams:

S. B. No. 242, A bill to be entitled "An Act to regulate granting restraining orders and injunctions to prevent orders of Railroad Commission becoming effective, providing for the giving of notice to defendants before temporary injunctions shall be granted and limiting the time the restraining orders may be effective; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dudley:

S. B. No. 243, A bill to be entitled "An Act defining stockyards engaged in holding live stock received from transportation lines pending their sale to purchasers; declaring all corporations, persons, partnerships or associations of persons now engaged, or to hereafter engage, in holding and feeding live stock received from railroads and transportation companies or otherwise, pending their sale to packing houses or to the purchasers, as public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of yardage and the price charged by such stockyards for feed; and providing against discrimination in favor of or against individuals, associations or persons or corporations in the conduct of their business; empowering said Commission to make rules and regulations for their conduct and to fix the charges made by them for services rendered and giving said Commission plenary power to make rules and regulations for the control of such stockyards and power to enforce their rules and regulations and the provisions of this Act; fixing penalties for violation of this Act, or the rules and orders of said Commission; making such violations a criminal offense and fixing the penalty therefor and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, and naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission; fixing his salary and making an appropriation therefor and providing for a tax to provide a fund for such expenses; making this Act cumulative, and providing that the invalidity of any part

of this Act shall not invalidate the remaining parts hereof, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator McMillin:

S. B. No. 239, A bill to be entitled "An Act to amend Chapter 12 of Title 26 of the Revised Civil Statutes of Texas of 1911, relating to the assessment of taxes in this State, by adding thereto Articles 7567a, 7567b, 7567c, 7567d, 7567e, 7567f, 7567g, 7567h, 7567i, 7567j, 7567k, so as to provide for the assessment of State and County poll taxes; also making it a misdemeanor for any person to refuse to answer, or to answer falsely, any question that may be propounded to such person by the Tax Assessor, or Deputy Tax Assessor, touching the liability of such person for the payment of a poll tax; and prescribing a penalty therefor; and declaring an emergency."

Excused.

(On Account Important Business.)

Senator McNealus for yesterday and today, on motion of Senator Bailey.

Senator Hall for today and until next Wednesday, on motion of Senator Bailey.

Senate Bill No. 184.

The Chair laid before the Senate on second reading,

S. B. No. 184, A bill to be entitled "An Act creating the Desdemona Independent School District in Eastland County, Texas, defining its boundaries, such boundaries to be the same as Common School District No. 41 of Eastland County; providing for a Board of Trustees in said district; conferring upon said district and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the Board of Trustees thereof; providing that the present Board of Trustees of said Common School District No. 41 shall continue in office until the first Saturday in April, 1921, or until their successors are elected and qualified; and providing that such Trustees shall have the power to appoint four other Trustees; providing for an election to be held

on the first Saturday of April, 1921, to elect the successors of said Trustees; declaring the maintenance tax and bond tax heretofore authorized in said Common School District No. 41 to be valid and binding upon said independent school district; providing for an Assessor and Collector of Taxes for said district; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School District No. 41 are imposed upon the Desdemona Independent School District; providing the title to all property within said district and all funds shall vest in the Board of Trustees of said Desdemona Independent School District and their successors in office; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 160.

The Chair laid before the Senate on second reading,

S. B. No. 160, A bill to be entitled "An Act creating the Hammond Independent School District of Robertson County, Texas, as is included by the field notes as follows: Defining its boundaries, investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the General Law; providing for a Board of Trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 95.

The Chair laid before the Senate on second reading,

S. B. No. 95, A bill to be entitled "An Act to amend Section — of Chapter 81 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, so as to redefine with greater certainty the territory within the Donna Independent School District, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 155.

The Chair laid before the Senate on second reading,

S. B. No. 155, A bill to be entitled "An Act creating the Laneville Independent School District of Rusk County; defining its boundaries; vesting it with the rights, powers, duties, and privileges of districts incorporated for school purposes only under the General Laws; providing for a Board of Trustees therefor; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 157.

The Chair laid before the Senate on second reading,

S. B. No. 157. A bill to be entitled "An Act making it unlawful for any person to use or remove from its moorings, without the owner's consent, any boat of any size, character or kind, or to remove therefrom any oar or oars, row-locks, oar-locks, anchor, anchor-chains, anchor-rope, paddles, seats, planks, poles or rigging of any kind belonging to such boat or vessel, that are capable of being operated on the bays, lakes and rivers, oceans or waters of this State, and declaring an emergency."

Senator Bailey offered the following two amendments, which were read and adopted:

(1) Amendment No. 2 to S. B. No. 157. Amend the bill and caption thereof by inserting between the words, "any" and "oar," the words, "motor or part thereof."

(2) Amendment No. 1 to S. B. No. 157: Amend the bill by striking out the word, "oceans," wherever it occurs in bill and caption of the bill and also by striking out in the caption of the bill the word, "and," between the words, "lakes and rivers."

The bill was read second time and passed to engrossment.

Senate Bill No. 94.

The Chair laid before the Senate on second reading,

S. B. No. 94, A bill to be entitled

"An Act creating the Weslaco Independent School District in Hidalgo County, Texas; defining its boundaries; providing for a Board of Trustees in said district; conferring upon said district and its Boards of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the Boards of Trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; providing for the appointment of an Assessor and Collector of Taxes and Board of Equalization for said district, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 202.

The Chair laid before the Senate on second reading,

S. B. No. 202, A bill to be entitled "An Act to authorize water improvement districts or conservation and reclamation districts which may be operating under contract with the United States Government to acquire, construct, operate, lease or otherwise control, use or employ water power facilities and plants for the generation of electric energy; providing the authority to incur necessary indebtedness for the accomplishment of such purposes, and declaring that such obligation shall constitute a lien only upon the physical plant, distributing equipment and other property created by and for the development of such water power or electrical energy; authorizing such districts to contract with like districts in other States; to contract such power privileges forming a part of the property to such district for use by municipalities or others, and to supply municipalities or others with any product or service developed by or incident to the operation of the district; authorizing such districts to jointly construct, own and operate any such irrigation or power development projects, and to make contracts with reference to privileges, uses, operation and distribution of all products of such districts, and fixing of liens thereof; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 28.

The Chair laid before the Senate, on second reading,

S. B. No. 28, A bill to be entitled "An Act to amend Article 5436 of Chapter 9, Title 79, of the Revised Civil Statutes of 1911, of the State of Texas, relating to the sale of public free school and asylum lands, so as to provide for the sale of such lands by the purchaser or any vendee thereof, either in whole tracts or such portions thereof as such purchaser or vendee may desire; and to further provide that the vendee of such lands may be substituted as, and become the purchaser thereof, direct from the State, and that he shall, as to such land, become subject to all the obligation and penalties imposed by law upon the original purchaser of such land, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 124.

The Chair laid before the Senate, on second reading,

S. B. No. 124, A bill to be entitled "An Act to fix the burden of proof as to heirship in suits by, or on behalf of, or by any person through or under any heir or heirs in cases involving the title to real estate or any interest therein, where deeds of conveyance or other instruments of writing have been executed and recorded according to law, for a period of twenty-one years, by such heir or heirs or any person or persons purporting in such deed or conveyance, or other instrument in writing, to such heir or heirs, and declaring an emergency."

On motions of Senator Cousins the bill was laid on the table subject to call.

Senate Bill No. 113.

The Chair laid before the Senate, on Second reading,

S. B. No. 113, A bill to be entitled "An Act regulating and controlling the business or occupation and those engaged in the business, occupation or employment of caring for, dressing, adorning and beautifying the

human hair, face, scalp, hands and skin, including barbers and barber shops and beauty shops and those connected therewith and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 64.

The Chair laid before the Senate, on second reading,

S. B. No. 64, A bill to be entitled "An Act to amend Section 1 of Chapter 27, of an Act passed at the Regular Session of the Thirty-second Legislature, entitled 'An Act to provide additional compensation of all Judges of the District Courts, District Attorneys of the State of Texas, and to the Judges of the Criminal District Courts of Harris and Galveston Counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence'; and providing that this Act shall apply to the Judges of all the Criminal District Courts of this State, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

Executive Message.

Governor's Office.

Austin, Texas, Feb. 12, 1921.

To the Senate and House of Representatives:

After a thorough study into the affairs of the Texas State Railroad, which is now a part of the Penitentiary System, I deem it my imperative duty to direct your special attention to this subject for appropriate legislation, and for your information, make the following brief review of its history:

In 1907 the Thirtieth Legislature provided for the construction and extension of a railroad from Rusk to Palestine, a distance of thirty-four miles, to be owned and operated by the State of Texas, and for this purpose authorized the issuance of bonds by the Penitentiary Board, aggregating \$150,000, bearing interest at five per cent, secured by a lien upon the

railroad, and in the same Act, provided for the purchase of said bonds by the Board of Education out of the permanent school fund. Two years thereafter the Legislature passed another Act providing for the completion by the Penitentiary Commissioners of the railroad, and provided for the issuance of bonds by the said Commissioners, aggregating \$200,000, bearing interest at five per cent, premium providing that \$150,000 should be used to redeem bonds first issued under and by virtue of the legislative Acts of 1907, providing for a lien upon the railroad as security, and providing a method of redemption of said bonds. It authorized the purchase of said bonds by the Board of Education out of the permanent school fund.

From 1913 to 1921 the Legislature, at different times, appropriated, out of the general revenues of the State, for the support and maintenance of this railroad, sums of money aggregating \$316,890.00.

This road owes the permanent school fund at this time the sum of \$100,000, with interest on said bond from December 1, 1914, to December 1, 1920, aggregating for the six years \$30,000 in interest, which is past due.

In all, more than a half million dollars has been expended on the road out of the general revenues of the State of Texas. In addition to this, the entire earnings of the road have been donated to it for its upkeep and maintenance. The operation of this road from September 1, 1917, to December 31, 1920, has cost the people of Texas \$159,378.66. Every time a wheel has been turned since the construction of this railroad thirteen years ago, it has thrown the State deeper in debt. The rolling stock of this road is now practically worthless, its roadbed is worn out, and the entire system is depeleted. It seems to me that it has been demonstrated beyond a doubt that this road never has been, is not now, and never will be capable of sustaining itself. This annual drain of money on the public treasury should be no longer permitted. To do so, would be unbusiness-like and unjust to the tax paying citizens of the State.

I, therefore, submit this problem to the Legislature for its solution. In studying it we should not forget

that on account of the operation of this road we now owe the permanent school fund one hundred and thirty thousand dollars. In addition to this debt, which I judge must be paid from the general revenues, you will find that there are outstanding debts for operating expenses aggregating approximately two hundred thousand dollars that the State is under legal obligations to settle.

The Penitentiary Commission or some committee of three business men of the State, should be by proper law, authorized to discontinue the operation of the road and either lease or sell the road and all its equipments belonging thereto.

Respectfully submitted,

PAT M. NEFF,
Governor.

Senate Bill No. 56.

The Chair laid before the Senate, on second reading,

S. B. No. 56, A bill to be entitled "An Act extending for a period of five years from the date of the permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University land and Public School land which is unsold at the time this Act goes into effect, and river beds or channels and fresh water lakes and islands therein, which have not expired and extending for a like period and on like conditions all permits to prospect for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect, on islands, salt water lakes, bays, inlets, marshes and reefs owned by the State of Texas, within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits have expired at the time this Act goes into effect, but on which the drilling of a well or wells has been begun in good faith or with reference to which permits and the right of the owner of the same to the possession of the area included therein bona fide litigation has existed during the whole or a part of the term of the permit; providing that said permits are extended on the condition that the owner pay to the State annually in

advance, during the life of the permit, ten cents per acre, and all past due payments, and that the owner of the permit shall drill, at the direction of the Commissioner of the General Land Office, such offset well or wells as may be necessary to protect the State's interests in the area included in the permit, and shall resume and diligently continue drilling already begun; and authorizing the Commissioner of the Land Office to forfeit the permit for the failure to make the payments aforesaid or to drill the offset well or wells or to resume or continue drilling; providing, that, if oil or gas should be produced in paying quantities, the owner of the permit shall apply for and obtain a lease upon the area without the payment of any additional sum of money and for a period not to exceed ten years, subject to renewal or renewal, providing for the filing of affidavits with reference to drilling or pendency or litigation, and declaring an emergency."

On motion of Senator McMillin, consideration of the bill was postponed indefinitely.

Senate Bill No. 77.

The Chair laid before the Senate, on second reading,

S. B. No. 77, A bill to be entitled "An Act to fix the status of checks of drafts, when the maker or drawer thereof shall have died between the date of the checks or draft and its presentation for payment, and declaring an emergency."

There being an adverse majority committee, and a favorable minority committee report, on motion of Senator Woods the favorable, minority, committee report, was adopted.

Senator Woods offered the following amendment:

Amend Senate Bill No. 77 as follows:

Strike out Section 1 of the bill as shown on page 1 of the bill and insert in lieu thereof the following:

Section 1. That where any person shall have given to another a check or a draft on some other person, firm, bank or corporation, and before the presentation thereof for payment, the person making or drawing such check or draft shall have died, it may nevertheless be paid by the person, firm, bank or corpora-

tion named therein as payor or drawee thereof, provided such payment shall have been made within ten days after its date and without actual knowledge of the death of such drawer or maker of such check or draft.

The amendment was read and adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 8.

The Chair laid before the Senate, on second reading,

S. B. No. 8, A bill to be entitled "An Act making appropriation of Nine Hundred Eighty-eight Thousand (\$988,000) Dollars to pay off and discharge one hundred seventy-eight (178) refunding coupon bonds of the State of Texas, dated January 1, 190 , due forty years after date, each in the sum of One Thousand (\$1,000) Dollars, bearing interest at the rate of 3 per cent (3%), payable January 1 and July 1 of each year, aggregating One Hundred and Seventy-eight Thousand (\$178,000) Dollars; also eighty-one (81) refunding coupon bonds, each in the sum of Ten Thousand (\$10,000) Dollars, dated September 1, 1910, due forty years after date, bearing 3 per cent (3%) interest, payable January 1 and July 1; said bonds aggregating Eight Hundred Ten Thousand (\$810,000) Dollars; all of which said bonds are now held by the permanent school fund of the State, and declaring an emergency."

On motion of Senator McMillin further action on the bill was postponed indefinitely.

Senate Joint Resolution No. 6.

The Chair laid before the Senate on second reading,

S. J. R. No. 6, to amend Section 24, Article 3, of the Constitution of the State of Texas, to provide that the compensation of members of the Legislature shall not exceed \$10 per day for the first eighty days of each session, and not exceeding \$5.00 per day for the remainder of each session; instead of not exceeding \$5.00 per day for the first sixty days, and not exceeding \$2.00 per day for the remainder of the session, as now provided for in the

State Constitution of Texas. Section 24, Article 3.

Senator Darwin offered the following amendment, which was read and adopted:

Amend S. J. R. No. 6, page 2, line 4, by striking out the words, "day of," and by inserting in lieu thereof the following:

"First Tuesday after the first Monday in November."

The resolution was read second time and passed to engrossment.

Senate Joint Resolution No. 1.

The Chair laid before the Senate on second reading,

S. J. R. No. 1, proposing an amendment to Section 2, Article 6, of the Constitution of the State of Texas by providing that only native born or naturalized citizens of the United States shall be qualified electors in this State, and permitting either the husband or the wife to pay the poll tax of the other and receive the receipt therefor, and permitting the Legislature to authorize absentee voting.

The resolution was read second time and passed to engrossment.

Special Order.

Senator Dudley called up and moved that S. B. No. 79 be made a special order for next Tuesday morning, following the conclusion of the morning call.

The motion was adopted.

Senate Bill No. 46.

Senator Murphy moved that S. B. No. 46 be made a special order for Friday morning following the conclusion of the morning call.

The motion was adopted.

Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 38, A bill to be entitled "An Act creating, establishing and

providing for the maintenance of a State Tuberculosis Sanatorium for Negroes, and declaring an emergency."

H. C. R. No. 19, inviting Hon. R. E. Thomason to address the Legislature.

H. C. R. No. 15, granting Judge McLeon leave of absence from State.

H. B. No. 28, A bill to be entitled "An Act for the protection of stock-raisers and farmers; providing for the destruction of depredating wild animals; making an appropriation therefor, and providing the method how it shall be expended; to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 42, A bill to be entitled "An Act putting into effect amended Section 4, of Article 11, of the Constitution, relating to cities and towns having a population of five thousand or less, and amending Section 5, of Article 11, of the Constitution, relating to cities having more than five thousand inhabitants and not having special charters; providing for the levying, assessment and collection of taxes by such cities; providing for the issuance of bonds by such cities payable out of said taxes; validating certain bond elections; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. C. R. No. 11, relating to printing of maps for use of members of the Legislature.

Adjournment.

On motion of Senator Cousins the Senate, at 11:10 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Petitions.

Senator Bailey offered a petition from citizens of Verdi, Cass County, Texas, relative to educational bills pending in the Legislature. This was referred to Committee on Educational Affairs.

Senator Bailey offered and had read a resolution by Chamber of Commerce, Yoakum, asking for a repeal of the suspended sentence law and endorsing the action of the Governor in abolishing the Board of Pardon Advisors. This was referred to Committee on Civil Jurisprudence.

Committee Reports.

Senate Chamber,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 88 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 89 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 176 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 143 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 162 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 10, 1921.

Hon. Lynch Davidson, President of The Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 214. A bill to be entitled "An Act to amend Section 118 of Chapter 61 of the General Laws passed by the Third Called Session of the Thirty-sixth Legislature and approved June 19th, 1920, by pro-

viding that superintendents of schools who have been superintendents of said schools for a period of ten consecutive years be exempt from the provision requiring the holding of a first grade or permanent certificate, and declaring an emergency."

Have had the same under consideration, and I am instructed to return the same back to the Senate with the recommendation that it do pass.

Witt, Chairman; Hertzberg, Darwin, McMillin, Richards, Floyd.

Committee Room,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 234, A bill to be entitled "An Act to amend Chapter 145, General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, which chapter was: 'An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting, and for the qualification of such State Depositories; providing for the distribution of such State funds among such depositories; repealing all laws in conflict; and declaring an emergency'; the effect of this amendment being to add to said chapter a new article immediately following Article 2435, which new article is to be known as Article 2435a; and to provide in substance that during the existence of any general financial or industrial depression at the end of any biennial depository period, after new depositories have been selected by the State Depository Board, if it should be found by the State Depository Board that any of the then existing old depositories have not or will not be selected as depositories for the next two-year period under the bids submitted, and that the withdrawal of the entire amount of State funds in any particular depository on March will create a demand on such old depository which it will not be able to meet, though otherwise solvent, then the State Depository

Board shall have the discretion and authority to extend the time of payment of such funds into the State Treasury from time to time; provided, however, that such extension shall not be made unless and until such old depository executes a new contract and bond or gives security, as in the first instance, for such period of time as the State Depository Board may designate and at such rate of interest as the State Depository Board may find to be not less than the approximate average rate of interest which the State would receive under the bids submitted for the current biennial depository period into which such extension of time is made, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 10, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 74, A bill to be entitled "An Act creating a tribunal to be known as the Court of Industrial Relations to be composed of the members of the Railroad Commission of Texas; prescribing the jurisdiction, powers, authority, functions and duties of said Court; declaring the operation of public utilities and common carriers to be affected with a public interest and subject to supervision by the State and providing for such supervision; providing what classes of business or service shall be considered public utilities or common carriers within the meaning of the Act; providing penalties for its valuation; making this Act cumulative of the Public Utilities Act and to be construed in harmony therewith; providing for the enforcement of the orders and decisions of the Court by injunction and otherwise, and making it the duty of the Attorney General to enforce same; expressing the legislative intent that any invalid or unconstitutional provision of the Act shall not invalidate any other provision thereof; declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report)

Committee Room,

Austin, Texas, Feb. 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 74, A bill to be entitled "An Act creating a tribunal to be known as the Court of Industrial Relations to be composed of the members of the Railroad Commission of Texas; prescribing the jurisdiction, powers, authority, functions and duties of said Court; declaring the operation of public utilities and common carriers to be affected with a public interest and subject to supervision by the State and providing for such supervision; providing what classes of business or service shall be considered public utilities or common carriers within the meaning of the Act; providing penalties for its valuation; making this Act cumulative of the Public Utilities Act and to be construed in harmony therewith; providing for the enforcement of the orders and decisions of the Court by injunction and otherwise, and making it the duty of the Attorney General to enforce same; expressing the legislative intent that any invalid or unconstitutional provision of the Act shall not invalidate any other provision thereof; declaring an emergency."

Beg leave to differ with the majority of said committee, and to recommend that said bill do pass.

PAGE.

McMILLIN.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Monday, Feb. 14, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.
Baugh.
Bledsoe.
Carlock.
Cousins.
Darwin.
Davidson.
Dorough.
Dudley.
Fairchild.
Floyd.
Harp.
Hertzberg.

Lewis.
McMillin.
McNealus.
Murphy.
Page.
Richards.
Rogers.
Suiter.
Watts.
Williams.
Wood.
Woods.

Absent.

Buchanan.
Clark.
Parr.

Russell.
Witt.

Absent—Excused.

Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(Senator Hertzberg in the Chair.)

Consideration of Contest Case.

Senator Bailey here called up from the table the report from the Committee on Privileges and Elections, relative to Eickenroht-Richards contest case.

The following reports, one a majority and one a minority, from the Committee on Privileges and Elections, were read to the Senate, having been reported on Friday, Feb. 11:

Committee Room,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, the Committee on Privileges and Elections, to whom was referred the contest filed by Reno Eickenroht, contesting the election of C. F. Richards as Senator from the Twenty-first Senatorial District of Texas, having had the same under consideration, and after having fully considered the said contest and the demurrer and exceptions filed thereto by the contestee, and having heard both parties thereto, adopt a resolution that same be sustained, and I am directed to return said contest and all papers pertaining thereto to the Senate of Texas with the recommendation that said demurrer and exceptions be in all